
STATUTORY INSTRUMENTS

2000 No. 1884

The Watchet Harbour Revision Order 2000

PART VI

MISCELLANEOUS AND GENERAL

Advisory Committee

36.—(1) The Council shall establish a committee to be known as the Watchet Harbour Advisory Committee, which they shall consult (except in a case of special urgency) on all matters substantially affecting the conservation, protection, regulation, management, maintenance and improvement of the harbour and its navigation.

(2) Subject to the provisions of this article, the Advisory Committee shall consist of not less than seven members appointed by the Council, of whom—

- (a) one shall be appointed on the nomination of the Council;
- (b) one shall be appointed on the nomination of the Watchet Town Council;
- (c) one shall be appointed on the nomination of the operator for the time being of the marina;
- (d) one shall be appointed on the nomination of the Royal Yachting Association;
- (e) one shall be appointed on the nomination of the Watchet Charter Boatmen's Association or other such body representing local fishing interests in the harbour;
- (f) one shall be appointed on the nomination of the Watchet Boat Owners' Association or other such body representing local boating interests in the harbour;
- (g) one shall be appointed on the nomination of the Watchet Association of Commerce, Environment and Tourism or other such body representing commercial interests in the harbour other than boating and fishing;
- (h) up to two may be appointed to represent such persons interested in the harbour, other than those mentioned in the preceding sub-paragraphs of this paragraph, as the Council from time to time think fit.

(3) If it appears to the Council in the case of any of the appointments referred to in paragraph (2) that the body by whom the nomination is to be made has refused or failed to nominate a member after being requested by the Council to do so, or if the body by whom any of the said nominations is to be made has ceased to have an identifiable existence, the appointment in question may be made by the Council after consultation with such persons (if any) appearing to the Council to be representative of the interests represented, or formerly represented, by the nominating body specified in the relevant sub-paragraph of paragraph (2) above as the Council consider appropriate.

(4) Subject to paragraph (5), a member of the Advisory Committee shall remain a member of the Committee for so long as the appointing body concerned shall think fit.

(5) Any member of the Advisory Committee may resign his office at any time on giving notice in writing to the appointing body concerned.

(6) The Advisory Committee shall appoint its own chairman and determine its own quorum and procedure.

(7) Without prejudice to the generality of paragraph (1) the Council shall consult the Advisory Committee on proposals to—

- (a) impose or vary any charges in relation to recreational use of the harbour and its use by small vessels;
- (b) make byelaws and general directions;
- (c) construct or license any significant works in the harbour;
- (d) carry out or license dredging.

(8) The Council shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Advisory Committee, whether or not it has been consulted by the Council on the matter, recommendation or representation so referred or made.

(9) The Council shall provide reasonable accommodation for the meetings of the Advisory Committee and shall defray such reasonable expenses as may be incurred by the Committee in connection with the provision of secretarial services for the Committee.

Delegation of powers

37.—(1) The Council may delegate the powers exercisable by them under articles 3 to 6, 17 to 20, 29, 34 and 35 of this Order in relation to the harbour undertaking or any part thereof in accordance with the provisions of paragraphs (2) to (5) below.

(2) The powers contained within article 17 of this Order which may be delegated pursuant to paragraph (1) shall not include the power to light the harbour.

(3) The powers contained in articles 29, 34 and 35 which may be delegated pursuant to paragraph (1)—

- (a) shall not apply in relation to ship, passenger and goods duties demanded under section 26 of the Harbours Act 1964;
- (b) shall only be exercisable in relation to charges levied for services and facilities the provision of which has been delegated pursuant to paragraph (1).

(4) Before delegating any powers under this article the Council shall consult with and take into account the views of those bodies which they consider to be representative of users of the marina basin or proposed users of the marina basin.

(5) Any delegation of powers by the Council pursuant to paragraph (1) may be on such terms and subject to such conditions (including terms and conditions as to payment) as the Council may consider appropriate.

Disapplication of Reservoirs Act 1975 to the marina basin

38.—(1) The marina basin shall not be taken to be a reservoir for the purpose of the Reservoirs Act 1975(1).

Application of the Watchet Harbour Revision Order 1970

39. For the avoidance of doubt it is hereby declared that—

- (a) the purposes for which the Council may exercise the powers conferred by article 5 (Power to appropriate lands and works for particular trades etc.) of the Watchet Harbour Revision

Order 1970 include the exclusive, partial or preferential use and accommodation of a marina.

- (b) the purposes for which the Council may exercise the powers conferred by article 6 (Power to lease etc.) of that Order include the construction and operation by the Council or the tenant of a marina.
- (c) the powers conferred by the said article 6 shall not diminish the Council's duties and liabilities respecting the maintenance of that part of the harbour which constitutes the marina basin including the walls thereof.

Application of section 79 of the Watchet Harbour Act 1860

40.—(1) The rights of the Lord of the Manor under section 79 of the Watchet Harbour Act 1860 to pass and repass upon and over the bed of the harbour and the land vested in the Council below the level of high water and any other seignorial or manorial rights of the Lord of Manor over the harbour, subject as mentioned below, shall only be exercisable so far as the works which may be executed by the Council under the powers of this Order may permit and so as not to interfere with the operation of the harbour.

(2) The rights referred to in paragraph (1) above shall be exercisable over the slipway provided for by Work No. 5 and over no other slipway.

(3) In this article "Lord of the Manor" means the Lord of the Manor of Watchet, the devisees in trust of and all other persons claiming under the will of George late Earl of Egremont and their employees, servants or agents as mentioned in section 79 of the Watchet Harbour Act 1860.

Crown rights

41.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Order shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under paragraph (1) above may be given unconditionally, or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Trinity House

42. Nothing in the provisions of this Order shall prejudice or derogate from any of the rights, duties or privileges of Trinity House.

Repeal

43. The local Act specified in columns (1) and (2) of the Schedule to this Order is hereby repealed to the extent mentioned in column (3) of that Schedule.